Western Carolinian.

It is even wise to abstain from laws, which however wise and good in themselves, have the semblance of inequality which find no response in the heart of the citizen, and which will be evaded with little remorse. The wisdom of legislation is especially seen in grafting laws on conscience.

Dr. Channing.

[BY JOHN BEARD, Jr.] SALISBURY, ROWAN COUNTY, N. C....MONDAY JUNE 10, 1833. [VOL. XIV ... NO. 679.

TERMS

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POLITICAL.

FROM THE NORFOLK HERALD.

PRESIDENT'S PROCLAMATION.

No. 11.

In my last number, I endeavored to prove, that by their several ratifications of the Constitution of the United States, the Sovereign States of the Union thereby established, entered into a Covenant with each other, *to support this Constitution*—that for the observance of this Covenant, each State pledged its faith to co-States: and that this faith must be kept by all. I endeavored to prove further, that none could violate the faith plighted by the covenant, save some of the sovereign parties to it; but that they might do so, either directly, by their own acts or omissions, or indirectly, by adopting as their own the acts or omissions of any others over whom they might lawfully exercise control. I am thus brought to enquire, what is the course that may be rightfully pursued by any State, should its co-States break their faith pledged to it, by doing directly an act in violation of that pledge, or by adopting as theirs, any such act done by others amenable to their authority?

I present the question in this abstract form, purposely; because, I wish to avoid for the present, the investigation of any other matter not necessarily involved in the enquiry immediately before me. Hence, instead of stopping to examine whether any particular act is or is not a violation of the Constitution—or what is or is not the adoption by a State of such an act, when not done directly by itself—or whether the agents by whom the act has been perpetrated are or are not under its control. —I have assumed, that the act done is a violation of the Constitution—that it is done by a State directly, or when done by some other, is adopted by it as its own act —and that the act adopted as its own act, is done by such as are amenable to its authority. Thus the question of *mere right* comes naked before us, and so presented must have a direct answer.

As to the general answer to this question, I had supposed, until recently, that no man could doubt. But as opinions upon this subject very different from mine, have been uttered of late, and from many and high authorities too, although my former confidence in my own opinions is in no degree shaken, yet I feel compelled while re asserting them, to endeavor to establish them by arguments, which but a few weeks since, I should have thought as unnecessary as the attempt to prove any axiomatic truth.—In the case of mere individuals, if a contract is made between them wherein the performance of one party, is the consideration for the performance of the other, no lawyer, no man can doubt, that if one of the parties does not comply with such a contract, he has no shadow of right to ask or to expect the observance of it by the other party.—The failure to comply by either, leaves the other party, the privilege of avoiding and vacating the contract altogether; or of tendering performance on his part, claiming a compliance from the other party, and if that is then refused, of demanding compensation for any injury sustained by a breach of the agreement.

So too in the case of nations absolutely independent of each other, if a contract be entered into by them, the failure to comply with any of the provisions of the contracting parties, leaves the other at liberty, to vacate and annul the whole contract as to itself; or while affirming a readiness on its part to continue its observance of the obligations, to require of the other party a like compliance. In illustration of this doctrine, I need but refer to our own avowed principles. The act of July 7, 1798, declared, "that the United States are of right freed and exhonerated from the stipulations of the Treaties, and of the Consular Convention, heretofore concluded between the United States and France; and that the same shall not hence forth be regarded as legally obligatory upon the government or citizens of the United States." The reason assigned for this declaration, in the preamble of the act itself, is that "these Treaties have been repeatedly violated on the part of the French government." But for this act of violation on the part of France Congress would have had no authority to enact this statute; because, by the Constitution, these Treaties had been expressly made the supreme law of the land. Therefore the Statute does not profess to *repeal* them by any enactment, but, *declares* simply, that they were no longer obligatory upon us "of right;" because they had been previously and repeatedly violated by France. So shewing, conclusively, that the violation of a contract by one of the Sovereign parties to it, is sufficient to absolve the other party from all its obligations, if this other party chooses to adopt that course.

Now, surely no one will contend, that what every individual does, and may of right do, in regard to his contracts; what every State has done, and has done rightfully, in regard to their arguments, is forbidden to be done by any of these Sovereign States, in reference to their covenant with their co-States. It may be denied, as the author of this Proclamation does deny, that any of these States is a Sovereign. It may be denied that they have entered into any Covenant with each other; or that the Constitution of the United States is such a Covenant. It may be denied that this covenant has ever been broken; or that any State is responsible to any other for any breach of it. But if all these things be granted, (and in the question propounded they are all assumed,) it follows, necessarily, that a violation of the Covenant by any of the States leaves every other State who is a party to it, the right to vacate the Covenant as to itself also.

Nor can the exercise by a State of this right of declaring a broken Covenant no longer obligatory upon itself or its citizens, be ascribed, with any propriety to the high and indefeasible right of Revolution, which abides with every people. This last is a mere individual right; it stands upon the great maxim, *Salus populi est suprema lex*; it is the right of self-defence, which man cannot alienate, although he may forbear to exert it. This high right rides over all others, whatever they may be. It claims to legitimate the dethronement of Sovereigns, the severance of Empires, the dissolution of ancient Societies, the breach of allegiance, and even of faith itself. But the right of declaring a Covenant broken by one of the parties no longer obligatory upon another, is the very reverse of all this. It constitutes the foundation of all Society; to secure it, all Governments of all kinds were instituted, and upon its preservation depends Sovereignty itself. Upon it rests the efficacy even of this holy right of Revolution; for unless man can confide in his fellow, resistance of power would be vain; nor can any one confide in another, if their mutual pledges may be broken by one, and remain obligatory upon the other, against his will.

The assertion by a State, of this right of declaring a broken Covenant no longer obligatory upon itself or its people, does not necessarily produce any other effect, than their absolution from all the obligations formerly imposed upon them by the Covenant while it subsisted as such. It leaves them, in the same plight, as to the matter of the Covenant, in which they were before it was entered into; in the same predicament in which they would have been if it had never existed. The Covenant, as to the party making such a declaration, becomes a mere nullity, without even any moral obligation upon that party, who, in declaring its exemption from all the former obligations of the Covenant, so abandons thereafter, all shadow of claim to any privilege, right or benefit, to which, it might have been entitled under it. The assertion, involves no breach of faith on the part of the State declaring the Covenant broken by the other parties.—So far from it, it affirms a breach of faith by them; and, as in the case of France, it so justifies the act declaring its absolution from obligations already violated by others. It disturbs no relations subsisting between any others independent of itself, but leaves to them the full and free exercise of all the rights and privileges which the party vacating the Covenant has claimed and exercised for itself alone. If they are content to abide by the broken Covenant still, they are free to do so, whether they think it has been violated or not. If they choose to follow the example set, they have the same right to do so, as was exercised by those who set the example.

To the Moralist or the Jurist, or the Publicist, these well settled propositions need no illustration by any example. To others, I will give only one, found in our own history. The thirteenth of the old Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislature of every State." Yet did eleven only of the thirteen States, in opposition to the will of the two others, after that solemn Covenant by the present Constitution of the United States; and according to the provisions of this latter instrument, nine States only might have done so, as to themselves, as legitimately, as did the eleven. From whence was such a power, which all concede to have been rightfully exercised, derived? Certainly not from the Articles of Confederation themselves, for by this very article, the consent of "every State" was necessary, to make any alteration whatever in that instrument. Nor from the fact that nine States then constituted a majority of all the States. If so, seven States would have been sufficient; and moreover, the old Articles of Confederation might have been put into operation in the year 1778, when they were agreed to by a majority of the States, three years before they went into actual operation by the agreement of all the States.—The power was derived in this way. The old Articles of Confederation had been violated in various modes, by the refusal or neglect of several of the States, to comply with the requisitions and recommendations of Congress, made in pursuance of that Covenant. These repeated violations of it, had given every party to it, the perfect right to declare that it was no longer obligatory upon them. But although this was their clear right, prudence and policy dictated, that they should not exert this right, until they had provided a substitute for the old Covenant; and until this substitute should have received the concurrence of at least nine of the States. This being done, their right of vacating the old instrument, which had been perfect before, was then prudently exercised. So that this very Federal Constitution, grows out of the conceded right of a State, to declare the obligations of a Covenant no longer obligatory upon itself, when that Covenant has been broken by other parties to it.

It must be said, that the Articles of Confederation were the act of the State Legislature, and the new Constitution the act of the people of the several States; and that the latter abrogated the former, because it proceeded from a superior power. The People of the several States, by a very long acquaintance, had adopted the Articles of Confederation as their own act.—Under these Articles many Treaties had been concluded, many other engagements had been entered into, war had been carried on, and peace made, in their name, and with their approbation. All these, were acts, that could only have been done by acknowledged agents and Representatives of the Sovereignty, which, as has been shewn, then abided in the people of the several States, in their corporate character of States, and was specially reserved to them as such in this instrument. Therefore, the change of this Covenant, made in a manner directly in opposition to one of its provisions, and against the will of some of the parties, cannot be justified upon this ground: but must be referred to the other. If so referred, the reason of that provision of the present Constitution, which confined its operation "to the States ratifying the same," even after it might be ratified by nine States, is obvious. The old Covenant being annulled, the States were remitted to their former condition, and could not then be bound by any new Covenant to which they were not parties.

The example will illustrates, what *a priori* reasoning had established, that a Covenant broken by one party, may by any other party be *rightfully* declared no longer obligatory upon itself, and so practically annulled, as to itself, by the party making this declaration.—If this was not so in the case of States, who can foresee the consequences? Two States agree to exchange different portions of their territories: may one of them retain that which it has agreed to give, and rightfully demand of the other the delivery of what was the equivalent? Commercial advantages to be received by itself: is one bound to give, and not entitled to receive? It seems monstrous to affirm these things; but yet such are the inevitable consequences of the proposition, that a broken Covenant is still obligatory upon the faith of the party by whom it has not been violated.—It will not do to say, that a party injured by a breach of a Covenant, may rightfully *enforce* performance from the other.—This is true only where the innocent party is desirous to continue the obligations of the Covenant, but does not apply where he is content to take the other remedy, of declaring the broken Covenant no longer obligatory upon him. Either mode of redress may be *rightfully* resorted to by the injured party, and his policy or discretion must decide which he will adopt; but he cannot *rightfully* take both. If this was not so, the question of mere right, would *necessarily* be converted into one of brute force, and right and power would soon become the same.

The conclusions from these premises is, that when a Covenant entered into between a State and its co-States, is violated by any of the parties to that Covenant, any State may of right declare the Covenant broken, and so no longer obligatory upon itself. In this view of the subject, it is of no moment, whether the government of the United States be considered as a party to the Covenant or not. Because, if the government is a party, then the principle applies in terms; and if not a party, but only the agent of the parties who approve and sanction its acts, the act of violating the Constitution, becomes by adoption the act of all the principals who approve and sanction it, and so the same consequences follow, in either case. This right of a State, to declare a Covenant broken by some of the other parties no longer obligatory upon itself, when one of the objects of the broken Covenant is "to form a more perfect Union," is the right of SECESSION, neither more nor less.

He who denies this right, must contend that a majority of the States, containing a majority of the people, may break this Constitution at their will, and that the minority of the states and people, is bound *in good faith* and *of right*, still to observe it on their part. For if an unconstitutional law be once passed, the Sedition law for example, it can never be repealed without the concurrence of both Houses of Congress, that is to say, without the concurrence of a majority of the States in the Senate, and of a majority of the people in the house of Representatives. Nay, this is not all, for no amendment of the Constitution can be made to redress the grievance, however great that may be; for if seven only of these States refuse to ratify the amendment, the other seventeen not constituting three fourths of all the States, cannot make the amendment valid. There remains then, no relief for an oppressed minority, however great that may be, however cruel and unrighteous and wanton may be the oppression, but to appeal to the God of battles and to assert their rights in arms.

And was it for this that our forefathers fought and bled? Was it for this that the wisest and the best were convened, to frame and adopt a Constitution stuffed with checks and limitations of power in every line? Who ever wanted any guaranty of the right of Revolution? That exists always, it is inherent in and unalienable by man. Compact neither gives or can take it away.—Free government, is but a device to prevent the necessity of recurring to this natural right. The Constitution of the United States, in separating the sovereignty from the government, making government rest upon a Covenant between the sovereign states themselves, to which Covenant the government created by it is no party, but a mere agent of the parties, and in thus constituting each party the Judge of the observance of this Covenant, with the right of declaring it no longer obligatory upon itself, when broken directly or indirectly by any other party, was a proud monument of human wisdom. Rob it of these qualities, and it becomes a simple institution by which all power is transferred to the majority, who may rule the minority according to the unchecked will of the majority, without accountability to any other than itself—the threadbare garment of ancient days, long since cast off, because it was always found worthless to shelter right against power—nay, so sure as effects follow their causes, must a hard military despotism speedily succeed to such a government, in such a country as this.

I will close this number with this remark. Wherever the object of the Covenant is to establish Union or Association for any purpose, between different parties, designing to preserve their seperate existence under the Covenant, after it is made, Secession is one of the remedies that may always be resorted to by any of these parties, for a breach of this Covenant by any other; and is nothing more than a declaration of that fact. In 1788, eleven States seceded from the Union established by the old articles of Confederation, and established the present Constitution for all the States who might choose to ratify the same. In 1798, the United States seceded from the alliance established by their Treaty with France. In either case, the act proceeded from the same cause. In neither case, did this act produce any other consequence than it was designed to produce by those who adopted it: a mere dissolution of the former bond of Union or Association as to themselves. Nor in any case, can any other consequence *rightfully* result from it, on the part of the State declaring its secession, although it is possible that other effects may flow from the course of the other party. These effects shall constitute the subject of my next number.

A VIRGINIAN.

No. 12.

While seeking to establish the right of a State, to secede from an Union formed by a Covenant, the terms of which have been broken by other parties, I was not unaware of the objections that have been urged against the existence of such a right, not only by the author of the Proclamation, but by others of the School of Consolidationists. But I did not choose to break the thread of the argument, by replying to these objections at that time. Therefore, I assumed all the facts necessary to present the naked question of mere right. Having established this, I will now attend to these suggestions. Many of them have been before noticed and answered; and I will not here repeat these answers. But there is one which has not yet been presented, and to the examination of this, I propose to dedicate this number.

This objection is, that we [illegible] rightfully assume as a fact, that [illegible] pact has been broken by any [illegible] States, or act upon such an [illegible] without violating its own faith [illegible] the Covenant itself has provided [illegible] ter to decide all such questions [illegible] decisions the faith of all the [illegible] be bound. This arbiter is said to be the Supreme Court of the United States. To this objection, which is founded upon the supposed existence of a common arbiter, authorized and capable to decide *all* infractions of the Constitution, of which any State may have cause to complain, many answers may be given, all equally conclusive to show, that no such arbiter, clothed with such authority, either does, or ought to be expected to exist.

The first of these answers is, that according to no legal possibility, could the case supposed to exist, ever be presented to the Supreme Court for its decision, even if the Sovereign parties were content to abide by that decision. The Judges of the Supreme Court, like all other Judges, are appointed to decide 'cases,' and not to amuse themselves or to edify mankind (as the President seeks to do in this Proclamation) with *obiter dicta*, or with public lectures, communicating the results of their lucubrations upon mere questions of law, of politics, or of any other art or science.—These cases too, according to the very terms of the Constitution, must be "cases in law and equity;" and we have the authority of this Court itself, for saying that there cannot exist any case in law or equity, but one presented to a Court by the representation of *parties*. The law professor in every College, nay, the very under graduates of his class, may deliver theses and dissertations upon questions of Sovereignty, of politics, or of law, and many amuse and improve themselves by imagining suits brought by John Doe *versus* Richard Roe, to try these questions. But it would be a high contempt of every Court, to attempt to steal from it an opinion, upon any question presented in a case brought by such imaginary parties; and not a less contempt of public justice, if a Judge should wander out of the case before him, to prejudice some other or to determine any mere abstract proposition not necessary to the decision of the matter submitted for his determination. Now, the case supposed to exist, is the case of a Covenant of Union, believed by one of the parties to be violated by the Government of the United States, the agent of all the parties. In such a case, the act complained of being already done by the government, the United States would have no need to become *actors*, or to go before any Court to assert the power that has been already exerted; and it would be difficult to find the authority under which any one, as an actor, may implead the U. States in their own courts.

But here it may be said, perhaps, as *is* often said, that the government of the United States can only act by individuals, and upon individuals; and as the courts are always open to such parties, all questions of constitutional right may so readily be brought before the Supreme Court. To this common place assertion, I oppose a flat denial. The evil complained of, may not be the consequences, of any act whatever, but of a wilful omission to act, on the part of the government. In such a case, it cannot be pretended, that there is any individual, to whom the agrieved sufferer may resort for redress, by a suit in Court. Or the evil complained of, may be an act, which, although palpably wrong, may not require the agency of any individual; or although wantonly oppressive and cruelly unjust, upon all the inhabitants of a State, may nevertheless, like every common nuisance, be injurious to no one of them in particular, and therefore would be an act not to be redressed in any private suit. Suppose for example, Congress should pass a law giving a preference to the ports of one State over those of another, which they are expressly forbidden to do in the very terms of the Constitution itself; what individual could sue, or what individual might be implead, for the perpetration of an act so ruinous to the injured State?

Even in cases where the Courts might take cognizance of the act done, because done by some individual, the judgment in such a case could bind none but the parties to the suit. It would not repeal the unconstitutional act; and might not even furnish any compensation to the individual injured. Some agent of the law-makers, in execution of their orders, which are in direct violation of the Constitution, does me a great injury. I sue him. The Court agrees with me, that the act was lawless and unauthorized. The Jury awards an amount of damages to me as a just compensation for the wrong I have sustained. The Court gives me a judgment against him for that sum. But the agent is insolvent or runs away, and I cannot get the intended compensation. Will any one say, that the Court can compel those by whose orders the wicked deed was done, and to test whose authority for directing it to be done, the suit was brought to me? Certainly not. I may petition, the arm of the Judiciary is impotent to obtain for me the relief to which the Court itself has said I was entitled—[illegible] prove efficacious in [illegible] cannot prevent the [illegible] milar outrage upon me [illegible] next day, under the [illegible] ority. The judgment [illegible] law, but declares nu[illegible] tes no defence to the [illegible] rticular case brought [illegible] the parties then liti[illegible] gant therein. So that until the Legislature will be graciously pleased to repeal their law, every individual in the State, may be compelled to go through the same tedious and expensive proceedings, and to incur the same hazards, in order to obtain relief against an act of the Government which has been already decided by the arbiter, to be an unauthorized usurpation of lawless power. Now what a strange arbiter must he be, whose decision, if in favor of one of the parties, is binding and obligatory, but if made against that party, is of no avail to terminate the subject of difference.

The next answer to this objection is this. Where a case in law or equity is properly brought before the Court, by actual suitors, if in the progress of this suit, it is found to involve a question of the mere discreet exercise of political power confessedly granted, the Judges themselves acknowledge, that this question they are incompetent to decide, but as to all such matter, they are bound *jurare per verba magistri*; and, to say, as Judges, that whatever is, is right; although as individuals, every one of them may know that it is not so. While doubt exists, whether the political power exercised is granted or not, the Court may give an opinion upon the subject. But let it be once conceded, that the power has been granted by the Constitution, and the Court is then compelled to say, that it has nothing to do with the question of policy, nor is authorized to ask, why such power has been exerted. If Congress declare a war, although for the most unrighteous purpose for which war ever was declared by the veriest tyrant that ever disgraced a throne, the Judiciary must apply the sanctions of the law, to all acts done contrary to the wicked will of the Legislature. If the President and Senate make Treaties, stapping the very foundations of the Constitution, the Judiciary cannot declare them void, or prevent their execution by the Executive. If Congress wantonly levy duties and imposts for any purpose whatever, the Judicial power is helpless to afford relief. They cannot enjoin the marching of armies, the sailing of fleets, the slaughter of innocent men, the levy of taxes, or the execution of treaties. Yet it is precisely in such cases, that the interposition of the Sovereign parties to the Covenant, will, probably, ever be necessary. It is idle, then, to say, that they may not interpose even in these cases, at least for the reason given. For the very foundation of the objection to such interposition is, that as there is a common arbiter appointed to decide the case, the parties may not rightfully assume to decide it, each for itself.

The next answer to this objection is, that the evil complained of may be the act of the Judiciary itself, the enforcement of the Sedition Law for example, or the application of the common Law of England, as a criminal code, to the citizens of the U. States. Both these cases have occurred. Here, it would be monstrous, to refer to the Judiciary, to decide whether the Judiciary itself had done right; and yet the objection applies equally to all cases.

Another answer is, that in this government, composed as it is of co ordinate departments, there exists no reason why more respect should be paid to the acts of one of these departments, than to those of any other; and if it is admitted, that neither of these departments is bound by the act of its co-ordinate, it would be strange indeed to say, that the Sovereign of all was bound by such an act. Now, the objection itself asserts, that the Judiciary is not bound by the acts of the Legislature or of the Executive; and no one, it is believed, will contend that either of the other departments is bound by the judgments of the Judiciary, however obligatory these may be upon the parties. I speak not of courtesy and respect, but of obligation merely.—Should the Judiciary declare an act of the Legislature void, such a declaration, as I have already said, cannot repeal the law, although it may prevent its application to the particular case *sub judice*. Congress may establish other courts or other Judges to execute the law; or the President and Senate, in execution of such laws, may appoint additional Judges of the Supreme Court, who may differ from their associates, and over-rule the past decision in the first new case that comes before the Court. Nay the House of Representatives may impeach, and the Senate condemn the Judges, for this very decision given in violation of the law enacted by them. I do not mean to say, that any of these things would be right; but when reasoning upon the case of a violated Constitution, I have a right to suppose, that all the legal means would be employed by the violaters, to make their violation effectual; and so to prove, that the Judiciary cannot bind the Legislature. We have the authority of the President himself for saying, that he feels himself as much bound by his oath to support the Constitution, as any one else can do; and therefore, if his agency is required, whether by the Legislature or the Judiciary, to do any act which he believes unconstitutional, he will not be made to sin against his own conscience and to violate his oath. His new partizans used to censure him bitterly for this assertion; but yet he never made one

moral, legal, or constitutional than it is. This is a government of concurring powers, its departments are all co-ordinates, nor can any one of them move far in any direction, without encountering its fellow, by whose concurrence alone it may proceed in that way. Of all these departments, the Judiciary is the weakest, because, it cannot act until invited to do so, its sphere of action is very limited, nor can it do any positive act, without the permission of the Legislature, and the co-operation of the Executive.

But lastly, can the human mind conceive a more audacious proposition, than that which suggests, that in a controversy between the parties to a Covenant, by which Covenant an agent is created, where the matter in dispute between the principals, regards the authority exerted by the agent, the decision of this controversy must be referred to the agent himself? The very exertion of the authority by the agent, is a decision that he believes he may rightfully do so; and after this, it is gravely proposed, to leave the matter to the final arbitrament of one who has already decided it, and who has decided it too, with the approbation of the very persons who propose such a reference. In transactions between man and man, none could hesitate what name to bestow upon such a proposition: but where the Sovereignty of the States and the freedom of their people is concerned, a gross fraud is metamorphased into a political theory only—Nor will the case be changed materially, if the nominated arbiter has never yet decided the question, provided that arbiter be the Supreme Court. This arbiter is not even given by lot. It is appointed by the supposed wrong-doer, paid by him accountable to him, subject at any moment to be punished and cashiered by him and this too for giving the very decision its conscience might prompt. Thus, matters which would constitute valid and legal objections, to witnesses, to Jurors and to the Judges themselves, in the most trifling controversy between man and man, are to be overlooked and disregarded, in the support of the new theory which seeks to constitute the Federal government the sole Judge of its own power.

I have great respect for the Judiciary of every country, but no lawyer or historian can tell, in what age or in what country the judiciary have ever been able, even where it was willing, to protect the rights of the people against the usurpations of government. England has long been blessed with a judiciary, composed of men, whose intelligence, whose integrity and whose firmness, would not suffer in comparison with that of any others who have ever been or are now on earth. But when or who of these Judges has ever been able to save the privileges of the people from the prerogatives of the crown, unless the judiciary was sustained by another branch of the government? And how many examples are there, of acts of Parliament made for the special purpose of saivng the people from the Judiciary? For the Judiciary of the United States, I entertain at least as much respect as I do for any other Judiciary. I will not say more, and I cannot say less. With the individual Judges, I have nothing to do. They shall all be, if any one thinks so, what some of them certainly are, "like Mansfield wise, and as old Foster just."—But all must know, that their robes of office do not cover angels, but mere men, as prone to err, as any other men of equal intelligence, of equal purity, and of equal constancy. We all know too, that some of the Supreme Judges of the United States, have not thought it unbecoming their high places, to accept Foreign Missions, to present themselves as candidates for other offices, and to enter into newspaper disquisitions upon party topics. I do not mean to blame them for such things, but merely to shew from such facts, that the rights of Sovereign States, when assailed by the government of the United States could not be safely confided to a forum so constituted, even if it was possible that it could take cognizance of the subject. Nor can he be considered as a discreet friend to the Judiciary, I should think, who desires to embark it in this fearful strife.

I have answered this first objection, founded upon the suggestion, that the Supreme Court of the U. States is the common arbiter appointed to decide all questions that may arise between a State and its Co-States, touching the violation of their mutual Covenant. My answer to the remaining objections I must postpone to another number.

A VIRGINIAN.

No. 13.

A very careful examination of the late Proclamation. presents to my view no other objection, then urged, to this right of secession, than such as I have already noticed. The summary of its argument, and very nearly in its own words, is this—Each State has expressly parted with so many powers, as to constitute it jointly with the other States, a single nation. In becoming parts of a Nation, the States surrendered many of their essential rights of Sovereignty, and so were no longer Sovereign; the allegiance of their Citizens being transferred to the government of the United States. But this government thereupon become their Sovereign, because it can punish Treason, which is an offence against Sovereignty, and Sovereignty, must reside with the power to punish it. Moreover, the Constitution of the United States forms a government. Every government has a sanction express or implied, therefore, a government has a right by the law of self-defence, to pass acts for punishing offences against its authority, unless that right is modified, restrained or resumed by the constitutional act. In our system, although the right is modified in the case of Treason, yet authority is expressly given, to pass all laws necessary to carry the powers of government into effect.—Hence no State of this Union may secede, because such secession would destroy the Unity of the Nation, any attempt to do which act, would be an offence against the Sovereignty of the government, and might be properly punished at its own discretion.

In reply to this argument, I have already endeavored to shew, that these States do not, and never did, constitute a single Nation: but are, as they ever have been since they assumed to be States, free and Sovereign States, not consolidated into one Nation, but united only by a written Covenant of Union, which we call the Constitution of the U. States—that the government formed by this Constitution, so far from being a Sovereign, is the mere creature of the will of these States, subject to amendment and rightful destruction at their pleasure, endowed with but limited powers, that may be properly exercised for the attainment of enumerated objects only. And so far from possessing this natural right of self-defence, it is not even a party to the Covenant under which it exists, nor may rightfully exercise any one of its granted powers against any one of these States, its creators, although it may properly do so against their citizens, when they are acting without the authority of their State, the only sovereign to whom they owe allegiance. That the Union of the States thus resting upon a Covenant entered into by every State with its Co-States, when the terms of this Covenant are supposed to be broken by any of them, as there is no common arbiter to decide between the parties, it is of necessity, that each State must judge for itself, and act as its own judgment may dictate. If in the honest exercise of this judgment, any sovereign State declares the Covenant broken by its Co-States, and chooses to dissolve the Union thereby established, for this cause, she has the perfect right to do so; and this makes secession from the Union, as to that party only.

I will not repeat the arguments by which these several positions have been maintained, but will follow my conclusion to all its consequences. When a Sovereign State decides, that the Covenant of Union which formerly bound her to her co-States has been broken by them, and is therefore annulled as to herself, it is clear, that these her co-States are not bound by her decision. They are then called upon to decide several questions, of very different character, each for itself also. The first of these involves their faith. Has that been broken as is averred?—Should this be so, according to the honest conviction of any of the co-States, such State, as a moral and accountable being, is bound to acquiesce in the decision made by the first party, which is so acknowledged to be right. But if acting under its accountability, it honestly believes, that its faith has not been violated as averred, a second question is presented. Is it better, while repelling the charge of violated faith, to acquiesce in the determination of the first party to annul the Covenant as to itself? This question also, each of the co-States must decide for themselves respectively.

The subject now becomes a matter of naked policy, which like every other question of mere expediency, must depend upon all the circumstances existing in the case.—This question appertains to the Statesman; the mere theorist can neither comprehend, or hope to decide it correctly; and, therefore, it would be very foreign to my present purpose. But if after examining all the circumstances of the case, in all their different relations and probable effects, the Co-States, whose covenant has been annulled, wrongfully as they may believe, determine nevertheless to acquiesce in the act vacating it as to the other party, the difference is at an end—Each party concurs, although for different reasons, in the same purpose, and no collision will take place between them. Such was the course pursued by the States, in 1788, when the Old Articles of Confederation were annulled by the act of eleven of the States, who then seceded from the Union established thereby. And such has been the course pursued in very many other cases of Union and Alliance that it would be tedious here to enumerate, but, to which the recollection of every reader of history will at once recur. But if after a due examination of the subject in all its bearings, the party of which I am now speaking thinks itself unjustly aggrieved by the act of its co States in annulling their mutual Covenant and seceding from the Union thereby established, and that it is expedient to push this difference to war, unquestionably it may wage war; and may so impose upon the other party the necessity of submitting to its dictation, or of defending itself by the same means.

Such a war, as to the party with whom alone it can commence, will differ from every other that has before occurred from the beginning to that day: because, even by the most complete success its avowed object can never be attained. Independence, Conquest, Reparation of wrongs, Security, Punishment of indignity offered, may all be achieved by successful war; but victory can never make Union, or repair the breach of its broken Covenant.—It behoves the Statesman, then, to deliberate well, before he makes a war for any attainable object.—Should the seceding party prove successful in the contest, it will so maintain its independence, and may then agree to enter into another Covenant of Union, "laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness;" but this will be a new Covenant.—Should the other party prove successful, [illegible] conquer the territory, exterminate its inhabitants, change all the institutions of the seceding State, may do whatever else [illegible] lists, and which is possible; for who shall give law to conquest?—But it cannot revive the old Covenant of Union That [illegible] gone forever, and can no more be recalled than yesterday.

If the Victor, in his clemency, chooses to spare the lives of his conquered enemies, to permit them to enjoy their former religion, and laws, and civil institutions, nay to occupy the conquered country still, he may win the thanks of the vanquished, and perhaps beget in them a sense of gratitude towards the generous chief who has been thus forbearing and kind to a fallen foe. But let none mistake the character of the sentiment produced. It is loyalty, not patriotism; and let those beware of the loyalty of the grateful Mameluke, who may wish thereafter to harm his kind Conqueror. A subdued people have ever been the great agents in subduing others. Extinguish any one even the smallest of these new Sovereign States, and rely upon it, many others will soon share their fate. A majority may subdue a minority, probably. They can only do so however, by means of force, which must be guided by a man; and if their chief is prudent, the subdued minority will as certainly unite to make him a military despot, as the people of Rome proclaimed the power of a Dictator to escape from the thraldom of an overbearing and selfish Senate.

Will the victors seek to avert this consequence, by proposing to admit the conquered State into their Union again? She must come, if they say so, but the Union thereupon becomes, to all intents and purposes, a new Covenant. The rights of the conquered State are then derived to her, under the gracious gift of her conquerors, and not from her own free and sovereign will. The old Covenant of Union made and sustained by equal and independent States, gives place to one of a very different character, in which there can be no mutual confidence, because it rests no longer upon mutual consent. Many generations must pass away, before any subdued people ought to be trusted as a component part of the Union by which they have been subdued. A King may make conquests, and by many means may attach his conquered subjects to his person, and win their loyalty to his crown; for his people are all subjects, and in his eyes, are all entitled to his protection alike. But you had as well insert some deadly poison into the veins of an animal, and expect it to live in health, as in a Representative Democracy, to admit immediately, the Representatives of a conquered people to become parts of its union, and expect such a government to last long.

Then, the war waged to revive a broken covenant of Union, however successful may be its means, can never attain its avowed end. It may bring conquest, may make loyal subjects, or hollow-hearted pretended allies; but it cannot make real Union. The Union of free States can neither be made or preserved by force. It is a solecism so to speak. Such a fanciful Union, is consolidation in its most abhorrent form, wherein the majority, while it continues such, will wield not only their own powers, but those assigned to their subdued allies also.

I thank God, that in his infinite wisdom and mercy he has been pleased thus to ordain. The truths I have announced, ought and will teach moderation and forbearance to all who value the Union of these States. Each will look to the fearful consequences to itself, that may attend its own acts, and will abstain from pushing even admitted powers to oppression. The right of secession is the right of all; it may be claimed by one to-day and by another to-morrow; as each may find itself aggrieved. Its apprehended evils may be easily guarded against, by abstaining from exercising doubtful powers, or pressing legitimate powers until they become doubtful. The security of the Union is to be found in the common affections and common interests of the States, and not in the bayonets of its soldiery. By such feelings alone was the Union first formed, by such sentiments alone has it been since maintained, and by such sentiments alone can it be preserved. Once deny this right of secession when it is claimed, and prevent or punish its exercise by military force, and surely as night succeeds the day, our destiny as a free people is fulfilled.

But what may be done, if a State unmindful of her faith secede from a Union to support which her faith has been plighted? If she leaves any common obligation unsatisfied, which may be compensated by her, demand it, and if you can, enforce this demand. The war, if war shall be necessary to accomplish this end, is then rightful and just. It will have an object that may be attained, and when attained, it brings peace, the only legitimate end of every war. But if she leaves no debt unpaid or any duty unfulfilled, or when she has made the compensation required, let her go, and let her go in peace. If she is but a single State, she will soon learn in her wants, the value of the Union she has abandoned, and will speedily return, if the evils of its government are not intolerable. If there be many States, their right of Secession will never be denied.

Should I pursue the subject which this sentence suggests, I should tread upon the ground which belongs to the Statesmen exclusively. It is the business of the theorist, to scan the nature of this government, and to deduce from thence its principles and its character. It is the business of the patriot statesman to apply these principles, and in their application to adapt them to the circumstances of each particular case, so as to preserve this character. While he does so, he will but confirm the government in the conduct of whose affairs he is called to assist. But if he seeks to pervert these principles, or to change this character, he is a Revolutionist, whether his schemes are designed to be perfected by the arts of persuasion, the strong hand of force, or by any other means.

One remark more and I have done. The author of this Proclamation while speaking of this right of secession, says "to say it is a constitutional right, is confounding the meaning of terms; and cannot be done through gross error, or to deceive those who are willing to assert a right but would pause before they made a revolution, or incur the penalties consequent on a failure." I will say nothing of the spirit which dictated these declarations. Whether the assertion of this right be a gross error, not this author but an enlightened world will judge; and as to the motives which prompt it, they, like those which produced the declarations I have quoted, can be understood by him alone who can read the human heart. To His inspection mine are willingly submitted: but I utterly disclaim the authority of this self-sufficient personage, the President to denounce me and all others, from his throne, as stupid fools and cowardly knaves, because we do not concur in his new political dogmas, but dare to think for ourselves. And what in the name of common sense has the question of right to do with either his motives or mine? At last it will be found to turn upon what this author means by Constitutional Right, probably. According to his idea, it would seem, that there are no Constitutional rights but such as are granted by the Constitution: and, therefore, that the right of bearing arms, of peaceably assembling to consult about public affairs, of petitioning for a redress of grievances, are none of them Constitutional rights, because no one of these is therein granted. But according to my notion, every right, and every power too, not disparaged by any of the grants and prohibitions contained in the Constitution, are especially reserved therein, and so become Constitutional Rights and powers. The right of Secession thus becomes a Constitutional Right.

I once thought, that none of the present generation would see the day, when these States would become "a single nation," or the government established by them, "a sovereign," claiming, like every other Sovereign, the rights of "self defence," "a transfer of the allegiance of the citizens," and brandishing the weapons of its asserted powers in their faces. Recent events, I acknowledge, have diminished my confidence in this belief. The same events have strengthened another opinion, I have long entertained, that there exists no middle ground between the Federal Government established by the Constitution, and that which will speedily succeed it, a simple, absolute, unmixed and hard military despotism. So long as the Constitution can be preserved, this may be averted. Then let the Sovereign States who made it, guard well this ark of their political safety, which they know contains the holy covenant wherein is written the commandments of their law. Let each constantly cry aloud to every other and to all their servants, in the words of the inspired one, "Nor do you prefer any other Constitution of Government before the laws which are given to you."

A VIRGINIAN.

MORE PROSCRIPTION.

The National Intelligencer, of the 25th ult., contains the following list of officers, marked for proscription. The cause of this new and extensive *reformation*, is not yet known.

REMOVALS TO BE MADE.

Department of State.—The Chief Clerk and seven other Clerks.

Treasury.—The Chief Clerk, and seven other Clerks.

First Comptroller's Office.—The Comptroller himself, his Chief Clerk, and six other Clerks.

Second Comptroller's Office.—The Chief Clerk, and three other Clerks.

First Auditor's Office.—The Auditor himself, his Chief Clerk, and seven other Clerks.

Second Auditor's Office.—The Chief Clerk, and two other Clerks.

Third Auditor's Office.—The Auditor himself, his Chief Clerk, and six other Clerks.

Fourth Auditor's Office.—The Chief Clerk, and six other Clerks.

Fifth Auditor's Office.—The Auditor himself, and his Chief Clerk.

Solicitor of the Treasury.—The Solicitor himself, and one Clerk.

Treasurer's Office.—The Chief Clerk, and three other Clerks.

Register's Office.—The Register himself, his Chief Clerk, and seventeen other Clerks.

Land Office.—The Chief Clerk, and eleven other Clerks.

War Office.—The Secretary of War, his Chief Clerk, and eleven other Clerks.

Bounty Lands.—One Clerk.

Indian Office.—Two Clerks.

Quartermaster General's Office.—One Clerk.

Army Paymaster General's Office.—The Paymaster General, his Chief Clerk, and two other Clerks.

Army Subsistence Department.—One Clerk.

Army Surgeon Generarl.—The Surgeon General.

Navy Department.—One Clerk.

Navy Commissioners.—One of the Commissioners.

General Post Office.—Two of the Heads the Chief Clerk, and twenty-five other Clerks.

And, lastly, the Commissioner of the Public Buildings in Washington.

To most of our readers it will be needless information, but to others it may be useful to state, that a very large proportion of the persons included in the above List are among the most able, faithful, experienced officers, and respectable citizens, that ever have held public employments under the Government of the United States. *Nat. Int.*

A gentleman in the State of Indiana offers himself as a candidate for a seat in Congress, and, after stating that he has ever been uniform and decided in sustaining the present Chief Magistrate, he adds: "the candid of all parties will admit that it will be but an act of justice to throw around the President a Congress whose views and wishes are in accordance with his own." Upon this extraordinary argument by a candidate in favor of his election to Congress, the Indiana Journal makes the following remarks, which require no stamp to fix their value:

"This is certainly a strange doctrine to call upon the "candid of all parties; to give their assent to. We always understood that it was the intention of the framers of our excellent constitution, in establishing three different departments of government, to have each to operate as a check upon the others, and to be in some measure independent of them. If however, the doctrine contained in the above quotation be correct, the Legislative department is but the mere automaton of the President, the members shaping their 'views and wishes so as to accord with his. If this doctrine shall be established by the public judgment—if the Legislative department of Government shall be compelled to succumb to the Executive and become a mere registry of his will—would it not be better to merge that department in the Executive, and thus save the enormous expense of keeping it up? We do not however believe in the doctrine; nor will it ever be established by the people. Members of Congress, we hope and trust; will continue to be elected to carry into effect the "views and wishes of the people, not of the President. The distribution of the powers of Government into the different departments, as provided for in our constitution, is one of the great preservative principles of our Government; and whenever the day shall arrive that the Legislative and Judiciary departments shall be destroyed, and all power vested in the Executive, our republic will be at an end. The true doctrine certainly is, that a representative should act in accordance with the wishes and interests of those who elect him, without reference to the will of the President. If, in faithfully discharging his duty to his constituents, his views shall be in accordance with those of the President, it is well; if not, his oath and his honor should alike induce him to prefer the interest of his constituents to any other consideration. It will be perceived therefore, that we do not admit the correctness of "throwing around the President a Congress" that will blindly follow his dictation."

This *is* "the true doctrine," and we are glad to find that it is so well understood and preached in Indiana. We hope the honest people of that State will send no wooden Representative here, to jump up and down, and sound sharp or flat, like the jacks of a harpsichord, just as they are played upon. *Nat. Intelligencer.*

From the National Intelligencer.

The following is from the Richmond Whig of Friday last:

"The Baltimore Republican holds the Opposition responsible for Mr. Randolph's attack on the President. We wonder the Republican had not charged it upon Nullification, or the new *Coalition* of Clay and Calhoun. We venture to say that the opposition vies with the friends of the Administration in sincere regret for that occurrence."

The Whing is undoubtedly right. We have not seen the assault upon the President justified any where. It is, indeed, referred, by some journalists, to the encouragement supposed to have been heretofore given by the prevailing party to Club-law in matters of political controversy. But it is on that account the more condemned, rather than excused. The friends of social order should indeed hold up their hands against it, as a violation of that moral panoply which ought ever to protect the administrators of the laws from any other than judicial question for their conduct. There is a tribunal, to which, if he grossly transcend, or misuse his authority, the President of the U. States is amenable under the Constitution, which is open to Mr. Randolph, in common with all others of his fellow-citizens: We mean the High Court of Impeachment. There is another tribunal, still easier of access, on which, if injured, Mr. Randolph might have relied for vindication and consolation: the tribunal of Public Opinion. Of the advantage of a trial before this Moral Court, Mr. R. has in a great measure deprived himself, we apprehend, by the precipitancy with which he has rashly taken the law into his own hands.

The following from a decided Opposition paper, condenses in a brief space the almost universal public sentiment in relation to this affair:

From the New-York Daily Advertiser,

We copy from a Washington paper an account of a personal attack upon the President of the United States, by a Mr. Randolph, who lately held the commission of a Lieutenant in the Navy, but has been dismissed from the service. Mr. Ran has recently been before a Court of Inquiry, upon certain charges preferred against him whilst in the naval service, who acquitted him of all dishonorable conduct.—Subsequently he was dismissed, as has been mentioned. It was doubtless owing to the treatment he had received from the Executive that he committed this outrage.—This may serve to explain, but forms no apology for such an act of violence on the Chief Magistrate of the nation; and we have no doubt it will meet with the universal reprobation of all respectable people. Whatever individuals may think of the character of the individual who may at any time be placed at the head of the Government, the office is entitled to public respect; and such an indignity to it as this can never be offered to it without exciting strong feeling, not merely of regret, but of pointed condemnation.

THE PRESIDENT'S TOUR.

The following Answer has been returned by the President of the United States to a communication from a committee of the Democrats of Boston, expressive of the gratification they should experience by his presence at the Celebration of the next Anniversary of our national Independence in the Cradle of American Liberty:

Washington, May 21st, 1833.

Gentlemen: Your communication of the 11th March last, in behalf of the Republican citizens of Boston, inviting me to visit that city, was received in due time; but I have deferred its acknowledgement until I could decide with certainty whether it would be in my power this summer to realize the desire so long cherished, of visiting the northern portion of the United States.

Finding that I can leave the seat of Government *early in June and be absent about six or eight weeks*, with but little inconvenience to the public interest, it gives me pleasure to inform you that I *shall devote this period to the objects of this tour*—one of the most pleasing of which will be an examination of those revolutionary scenes which give to Boston so exalted a distinction in our national history.

It will be particularly gratifying to me to embrace an opportunity of tendering to yourselves and those you represent on this occasion, as well as to my fellow-citizens generally, my personal respects. It would also be grateful to my feelings to be able to celebrate the approaching anniversary of our National Independence under the roof of Fanuiel Hall; but the time allotted for the proposed tour will not permit the detention necessary for this purpose. The state of my health also, and the general objects of the tour, make it proper that I should decline a participation in any public celebration.

I have the honor to be, with great respect, your obedient servant,

ANDREW JACKSON.

The Departure of the President Eastward within a few days is by this Letter placed beyond doubt. *Nat. Intel.*

Gen Romulus M. Sanders, of this city, has been appointed by the President of the United States, Commissioner under the Treaty of indemnity with France, in the place of Mr. Williams, (late U. S. Senator from Mississippi) resigned. It is not believed, that the acceptance of this trust will be incompatible with duties of the high legal Office which Gen. S. holds under the State. *Raleigh Register.*

The Philadelphia Inquirer of Tuesday furnishes the following information:

"We yesterday heard Amos Kendall mentioned as a candidate for the next Presidency by a zealous and efficient friend of the Administration."

Mr. Van Buren is in danger. *Nat. Intel.*

There are some people who accumulate for themselves possessions, and thereby attain a station in society which they are not exactly capable of sustaining, since their education is incomplete, and their ostentation abundant. Such folks, of course fall into a great many deplorable blunders; they commit depredations on the King's English, as if they acted "by authority;" As an instance, however, of the mistakes into which some of these pecuniary magnates fall, when their early instruction has been neglected, we may relate the following passage, the facts of which occurred in a neighboring city. A wealthy owner of real estate was erecting a splendid house upon a lot, and was disclosing the plan of it to his neighbor. "I have employed," said he, "a man *which* has *eructated* many buildings; and my design is for to have him to eruct an edifice with a [illegible] *Portorico* in front, on the street, and a *Pizarro* behind, with a bath-house *contagious!*"

Eloquence.—The following is an extract from a speech delivered by a member of the Indiana Legislature, on a bill to encourage the killing of wolves, which for sublimity has seldom been surpassed:

"Mr. Speaker: The wolf is the most ferocious animal that prowls in our western prairies, or runs at large in the forests of Indiana. He creeps from his lurking place at the hour of midnight, when all Nature is locked in the silent embrace of Morpheus, and ere the portals of the East are unbarred, or bright Phoebus rises in all his golden majesty, whole litters af pigs are destroyed!" *Ohio Republican.*

Interest on Money.—Lord Chief Justice Ellenborough has laid down the rule of law with regard to interests clearly and concisely, thus: "Interest ought to be allowed only in cases where there is a contract for the payment of moneys on a certain day; or where there has been an express promise to pay interest; or where from the course of dealing between the parties, it may be inferred that this was their intention; or where it can be proved that money has been used and interest actually made." A note of hand or promissory note therefore legally carry interest; tradesmen's bills, where there is no agreement, do not.

A Notion.—The York Country F[illegible] has, over his marriage head, a representation of a company of girls, employed with rods and lines fishing in a pool for husbands. One has caught her chap by the waist and holds him dangling in the air in an apparently very uncomfortable situation. Another has caught a label with the figures 10,000 upon it, indicating, perhaps, money and not a husband is her object in fishing, and a third has just got her hook in the mouth of a likely looking fellow and is in the act of pulling him out of the [illegible]

AMERICAN BIBLE SOCIETY.

The following is an abstract of the Annual Report:

New Auxiliaries.—Since the last meeting, 14 new Auxiliaries have been added, making the present total 602.

Receipts.—These amount to $84,955 48 of which sum $37,464 37 were in payment for books; $4,190 57 from legacies; $8,572 53 as donations towards the general supply; $13,227 60 towards foreign distributions, and $20,070 36 ordinary donations, the remainder from other sources as will be learned from the Report of the Treasurer. The bank debt, which was last year $22,000, has since wholly been paid off, though something is still due for new stereotype plates.

Printing.—Little has been done in this department, as the depository had a good supply of common Bibles, and the Managers aimed to curtail every expense possible for the purpose of paying off the debt. This branch of their operations, however, must soon be resumed and greatly extended.

Bibles and Testaments issued—English Bibles, 35,458; English Testaments, 218; Spanish Bibles 468; Spanish Testaments, 837; German Bibles, 676; German Testaments 293; Welsh Bibles, 58; Welsh Testaments, 432; Dutch Bibles, 33; Dutch Testaments, 46; a few others in all Irish, Gaelic, and Indian, making in all during the past year, 91,168, and an aggregate, since the formation of the society of 1,532,668 copies.

Modern New Greek Testament—Plates for this Testament are cast, and are in the hands of a modern Greek scholar for correction. Books from them will soon be prepared and despatched to Greece.

THE SABBATH.

Extract from a volume of practical sermons by the Rev. Robert Aspland, Minister of the Gravelpit Chapel, Hackney (England.)

"Our Religion points out to us one periodical season of retired meditation, when by the convention of society, the world will leave us, if we do not court its presence; I refer to the Sabbath, which of itself, serves to summon up to thoughtfulness; and which, if men regarded only their intellectual improvement, would be devoted to the sober review of human life. Here is a happy break in the galling chain of the world's custom. The mind may pause and the heart recover itself. The peace of Sabbath retirement forms the best part of the happiest lives. They may be congratulated whose pious education has established such an association of ideas with the day, that it never returns without bringing with it, feelings, imaginations and hopes of a higher than earthly origin. Let them preserve this sanctification, not so much of the Sabbath as of their own minds. Let them resist the encroaching spirit of the world, which would invade and grasp this sacred portion of time.—Let them not be a party to the breach of what, in allusion to an institution of our ancestors, we may denominate the Truth of God. When secular interest and anxieties come near the day, let them say as the patriarch said to his servants, (Gen. xxii. 5,) "Abide ye here, and I will go yonder and worship." They need not fear superstition: they are safe if they keep themselves from worldly mindedness. They may be told that every day is alike holy; but let them reflect, that though this is a plain christian doctrine, it is true only in a sense in which some of those who are the most forward to assert, are the slowest to comprehend it; for in the signification which alone is both rational and pious it means, not that the Sabbath should be made a common day; but that to a mind formed in the image of him to whose memory the day is devoted, every day is as a Sabbath."

FROM THE RALEIGH STAR.

"I can now send my children to school."

This was the language of a lady who keeps a very respectable boarding house in the city of ——. The occasion of the remark was as follows: A friend and former acquaintance called upon her one day just as the table was being arranged for dinner. He saw the brandy bottles placed upon the table, and concluded to notice how many of her boarders used them at dinner. To his surprise only *two* used the liquor. After the boarders had retired, he remarked this fact to the lady. "Yes," she replied, "before the Temperance reform commenced in this city, I usually paid $2 50 daily for liquors for my dinner table. The consequence was, that I could only sustain myself, and my children remained uneducated. Now my liquor does not cost me 25 cents a day, and I can send my children to school."

It has been remarked that nothing can be more touchingly beautiful than the answer of a little deaf and dumb boy in the London Asylum, to the question, 'Why God had blessed others with the faculties of speech and hearing, and deprived him of them?' He burst into tears and wrote, 'Even so, father, for so it seemed good in thy sight.'

From the Charleston Mercury.

THE MARKET.

Cash.—In this all important and favorite article the usual scarcity continues.—The demand is *tremendous*. Holders are firm.

Dust.—Since the rains ceased, this article has *risen* considerably, and is in lively circulation.

Mud.—There is still a plentiful supply in some quarters, and it is supposed the city will retain the present stock, as very little is taken up for exportation. Some near-sighted speculators are said to have dipped very deeply into this article.

Whiskey.—A most animated retail business continues, persons taking up the article with great ability. There is an ardent inquiry for city consumption, and though *holders* are by no means *firm*, but for the most part give way when pressed yet the demand rises as the article goes down.

Coughs and Colds.—The stock has diminished since the weather becomes settled; and as in most cases holders have been well disposed to part with all they had, the article has gone off freely. In what has been long on hand, there is a tendency to a *decline*.

Cheese.—Great animation in the old stock, and as the season advances, some indications of activity in the new.

Crabs.—This article, like the President's politics, goes backwards and forwards, so that it is hard to fix a quotation, and as all that comes from Jackson is orthodox republicansim, so all the crabs in our market are *sea crabs*, whether caught in the mill ponds or at the wharves.

Ice Creams.—The early part of the season was too cool for ice, but as it grows warm considerable quantities are frozen.

Duns.—Very plentiful. but there is not a good feeling towards them in the market, and though receipts are offered with them gratis, they are taken up with great reluctance.

Flies.—Have come into the market in great quantity. Large arrival of Mosquitoes from the interior.

Ladies' Dresses.—There is a better feeling manifested. Petticoats have come down very considerably since last season, and ankles, which were freely offered to a great extent, now come more sparingly before the public. The bonnet business, which occupied so large a space in the attention of speculators, has been much curtailed, and noses are occasionally seen in profile. Flounces which ranged so high a few months back, are rarely to be met with; but the sleeve trade is carried on to a stupendous extent.

Live Stock.—*Dandies* are much depressed, and *calves* are heavy and dull. *Terrapins* looking up.

Whiskers.—There has been a full crop this season, and the crop accumulates rapidly.

Newspapers.—Plenty and dull; the stock consists principally of the dry and light descriptions. There is some stagnation in the business, owing to our being without late foreign advices.

Loungers.—Go very languidly off—the stock is large, and the demand principally confined to retail dealers.

Marriages.—During the past season the market was unusually lively, and it is supposed that numerous speculations were made.—Several contracts were completed at prices which have not transpired. There is yet a large stock undisposed off. Fair descriptions are in brisk demand. Choice is scarce. Offers are freely made for such of this quality as remains in first hands.—☞ CASH is required in the general run of transactions.

THE CAROLINIAN.

FIAT JUSTITIA RUAT COELUM.

SALISBURY:

JUNE 10, 1833.

We are authorised to announce Gen'l. F. G. POLK a candidate to represent the County of Rowan in the Senate of the next General Assembly.

We are also authorized to announce JOHN CLEMENT, Esq., a candidate for the House of Commons.

☞ We are authorized to state that *Samuel R. Bell*, Esq. is a candidate for the Clerkship of the Superior Court of Iredell County.

TO THE PATRONS OF THE

WESTERN CAROLINIAN.

The last number of this paper, closed the thirteenth volume since its first establishment, and the third since it has been under my charge. A desire to engage in other pursuits, induces me now, to relinquish its management. In disposing of the paper, I am not actuated solely by motives of personal interest. The steady, unwavering, and increasing patronage, which the paper has received, since I have had charge of it, requires me to leave it in good hands. In my successor, I think you will not be disappointed;—I think you will find him every way qualified for discharging the important duties of the trust confided to him. I feel a confidence in saying, that you will be more benefitted by the change than I will: *His whole time* will be devoted to its management; other pursuits too often called me from my post.

Permit me, in taking my final leave of you, to return you my most sincere thanks, for your liberal and generous support, and for your kind indulgence to all my faults. It was this alone, which sustained me through all the difficulties, in which the bitter political contests, which have distracted the country since I have had the conduct of the paper, placed me. Let fortune cast my lot where it may; let my future prospects be what they will, I shall never forget your kindness.

BURTON CRAIGE.

Salisbury, June 10th 1833.

The WESTERN CAROLINIAN will, henceforth be conducted by the subscriber who deems it proper, at the commencement of his editorial course, to declare the principles by which he will be guided.

If we consider the novelty of the undertaking and the intrinsick difficulties to be surmounted by the Federal Convention in framing a government for so many States, comprising such a variety of interests, we shall be surprised, less at the diversity of sentiment which perplexed that venerable body in the progress of its labors than at the great unanimity which marked their close.

The conflicts in that convention between parties differing widely as to the *means*, but equally devoted to the same end—the *establishment of liberty*—threatened, at times, an inauspicious result. Happily, however, for America and for the world, patriotism and philanthropy triumphed over party spirit, and produced that beautiful system which, though it may be sometimes overcast, is destined we trust, to endure for ages, diffusing its benign influence over every region of the globe. Although the constitution was recommended by the convention with much unanimity, yet soon after the new government went into operation the parties which had differed as to the extent of powers with which it was expedient to vest it, became again arrayed in opposition, one of them contending for a strict adherence to the plain intent of the constitution, the other advocating a greater latitude of construction.

Early prejudices inclined the subscriber in favor of the latter; but more mature experience and reflection have convinced him that its tendency is to be dreaded, and that a strict abstinence from the exercise of powers not clearly constitutional is the only safeguard against consolidation on the one hand and disunion on the other, both of which he most fervently deprecates. In all doubtful cases forbearance is the only means of avoiding violent collisions which, if they should not cause immediate dissolution, must gradually shake asunder the foundations of the system, deeply and firmly as they may be based upon the affections of the people. An old political doctrine, but one which the subscriber thinks erroneous and dangerous, has been recently promulgated anew, under circumstances well calculated to give it credence, sanctioned as it is by many distinguished names, and fostered by the genial influence of power and patronage. The doctrine alluded to is "that the general government was instituted by the people of America, collectively, as *one entire community*;" from which is drawn the inference that whatever the public functionaries representing a majority of this great consolidated community may declare to be *the law* or the *constitution*, the same must be obligatory on the minority.

If this becomes a prevalent and settled doctrine, the object of our written constitution will be wholly defeated. What was the object and design of the Constitution? The subscriber has always understood it as a rule of action intended to restrain every department of our complex system, and that it was more especially designed to protect the rights of the *minority* from the abuses and usurpations of the *majority*.

On this subject, the subscriber is anxious to avoid misapprehension; he does not deny that the minority are bound to obey all laws which the majority can constitutionally pass, but he does utterly deny that arbitrary and fluctuating views of *convenience and expediency* are the proper standard of constitutional right, and that any majority, however large, would have a right to compel obedience to a law unauthorized by the constitution.—He considers the general government a confederate republick, instituted, not by the collective mass of the American people as *one community*, but by the people of the respective States as *distinct communities* in their sovereign capacity: he thinks that the rights of the general government are derivative or delegated, and the rights of the States primitive or inherent: that although the former must necessarily judge, in *the first instance*, of the extent of its powers, yet that it is not the *sole* and *final judge*, but in cases of collision in regard to *a question of policy*, the constituents of the general government, or, in other words, the parties which created it, must decide in the last resort.

On the subject of State policy, the subscriber will merely observe here, that he is decidedly in favor of internal improvements, of amending the constitution, and of a system of elementary schools for the extension of education. As long as our institutions continue the objects of domestic attachment they may bid defiance to all external foes: the dangers to which they seem most exposed are internal—the extremes of popular excitement and apathy. From the former is to be apprehended a speedy and violent dissolution. from the latter a gradual and silent but not less certain subversion, of government. While, therefore, the total extinction of parties which serve as mutual and salutary checks upon each other is neither to be expected nor desired, their excesses should be restrained, and all "unreasonable insult and triumph of one over the other" should be sedulously avoided.

Every one who prefers tranquility to turmoil, and the stability of government to mere party success, rejoices at the adjustment of a controversy which infused poison even into the sacred recesses of domestic life, corrupting the very fountains of social order and happiness, and threatening a demolition of the fairest political fabrick ever devised by man. That a political broil waged so long and with so much rancour should cease instantly without leaving in the breasts of the parties some degree of soreness was not to be expected: it is the part of prudence and of patriotism not to lacerate, afresh, the healing wounds but to abstain from all ill-timed, harsh, and, it may be, fatal recriminations.

Far from the subscriber be the wish for a renewal of an excitement of such baleful tendency! The political principles which he believes to be correct he will utter and defend zealously but temperately; the *public conduct* of *public men*, and the probable consequences of public measures he will canvass freely but with candour and with decorum. For whatever of moral or political influence his press may exert upon society he will bear in mind that he is responsible; and although he does not pretend that considerations of a public nature, exclusively, induced him to undertake the business of an editor he trusts that in its pursuit, he will be ever directed by a due observance of the wise counsel.

"Be just and fear not;
Let all the ends thou aim'st at be thy country's, thy God's and Truths."

JOHN BEARD, Jr.

The rumor which we copied from the National Intelligencer of the 25th ult., relative to a new and extensive proscription, we are happy to find contradicted in a late number of that paper.

The doctrine of State rights, which is now reprobated by a great many, was promulgated in Virginia by Jefferson and Madison; and we may add, was defended successfully by them and a host of worthies who afterwards, enjoyed in an eminent degree the confidence of the people. That they did not consider State interposition as revolutionary in its tendency and consequently unjustifiable except in such extreme cases of oppression as would render every other means of redress hopeless is, we think, very evident from the fact that the Legislature of Virginia resorted to it to protect the members of that body from the operation of the sedition law. Nor is it was considered the only means of staying the progress of abuses, and of preventing them from accumulating until the *ultima ratio*, the resort to arms and the horrors of civil war should become the melancholy alternative.

It was therefore, not to *produce division*, but to obviate causes which would inevitably lead to that catastrophe, that the Legislature of Virginia enacted the following law which may be seen in the Revised Code of that State.

"Whereas, the freedom of speech and proceedings appertaining of right to the General Assembly, and the preservation thereof, is necessary to secure the liberty of the people:

"*Be it enacted*, That if any person shall arrest or prosecute, or be aiding or abetting in arresting or prosecuting a member or members of the Senate or House of Delegates, for, or on account of, any words spoken *or written*, any proposition made, or proceeding had, in the said Senate or House of Delegates, every such person *so offending*, shall be deemed guilty of a misdemeanor, and shall be *apprehended, committed*, and *tried therefor*, as in other cases of misdemeanors before the General Court, or Superior Court of Law of this Commonwealth, and being therefore *convicted* by the *verdict* of a *jury*, shall be adjudged to suffer *imprisonment* for a term not exceeding one year, and shall pay a fine not exceeding two thousand dollars; which imprisonment and fine shall be assessed by a jury.

"And if any member or members of the said Senate or House of Delegates, shall be arrested or imprisoned, for, or on account of, any words spoken or written, or for any proposition made, or proceedings had, in the said Senate or House of Delegates, such a member or members may apply to the General Court, or to a Superior Court of Law, or any judges thereof, in vacation, for a writ of habeas corpus, who are here by empowered and *required* to issue the same, returnable before the said court or said judge, and upon return thereof, to liberate and discharge such member or members.

The provisions of this act shall be extended to the arresting and prosecuting any person or persons for words spoken in the said Senate or House of Delegates, or for any proposition made, or proceedings had, in the Senate or House of Delegates, and to the discharging and liberating any person or persons by habeas corpus as aforesaid, although such persons shall, by disqualification, or from any other cause, have ceased to be a member of the said Senate or House of Delegates, at the time of such arrest or prosecution, or of the trial, judgement, or imprisonment, in consequence thereof—*provided*, that nothing herein contained, shall, in any respect, extend to the power which either House of the General Assembly now hath or may exercise over their respective members."

JOHN RANDOLPH.

The last Northern papers brought the intelligence of the death of this very extraordinary man. He had been re-elected to his old and faithful district, in spite of strong indications of rapidly approaching dissolution; and it was on his way to England, to endeavor by a change of climate, to elude for a while longer, the grasp of inexorable death, that he was overtaken, in Philadelphia, by that often miscalled enemy of man, and withdrawn from a world which had, alternately, extolled and depreciated, admired, and abused him, for more than a quarter of a century.

"The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour;
The path of glory leads *but to the grave*."

Although biting sarcasm and bitter irony were apparently more congenial, than the more amiable attributes of genius, with the prevalent temper of that eccentric man, yet he was not unsusceptible of kind affections. We shall never forget the deeply affecting manner in which he announced to the House of Representatives, the sudden death of William Pinkney, then a Senator from Maryland. He pronounced a short eulogy on that distinguished orator and statesman, in his happiest manner, and closed it with the following impressive lines which are almost worthy, for their simplicity and the salutary reflection which they excite, to be inscribed in the halls of Congress as a restraint upon the angry passions of contending parties.

"Whilst yet we live, scarce one short hour, perhaps,
Between us two let there be *peace*."

The following particulars are from a Philadelphia paper.

John Randolph of Roanoke is no more. He died yesterday about twelve o'clock, at the City Hotel. The excitement in Chesnut street, when the melancholy fact became known, can be imagined—not described.

We understand that his remains will be sent back to his loved Virginia, there to repose among the ashes of his forefathers. The Hon. John S. Barbour, of Virginia, attended him in his dying moments, and took measures to have those melancholy rites performed which the sad event called forth. The Hon. L. W. Tazewell is we believe, also here, or was here a day or two ago. A couple of hours before his death, he talked and said he felt as well as usual—his health had, in fact, recovered. He wrote to Virginia for the pedigree of a horse. It was but the last flickering flame blazing up for a moment only to be succeeded by a long and lasting night in this world. "I am going," said he to a gentleman of this city the other day, "I am going to England—'tis the last throw of the die." He was right in one respect—it was indeed the last throw of the die—it was a throw into eternity—not to England.

APPOINTMENTS BY THE PRESIDENT.

LOUIS MCLANE, of Delaware, to be Secretary of State in place of Edward Livingston, appointed Minister to France.

WILLIAM J. DUANE, of Pennsylvania, to be Secretary of the Treasury, in the place of L. McLane, appointed Secretary of state.

EDWARD LIVINGSTON, late of Louisiana, to be Envoy Extraordinary and Minister Plenipotentiary of the United States to the Court of His Majesty, the King of the French.

THOMAS P. BARTON, of Pennsylvania, to be Secretary of the Legation of the U. States at Paris.

The Post Master General has instructed that each mail carrier may carry single papers to persons on the route not in the immediate vicinity of a post office.

There are two things which ought to teach us to think but meanly of human glory; the very best have had their calumniators, the very worst their panegyrists.

DIED,

In Iredell county, on Sunday the 26th ult. *Hiram*, son of John Atwell's, in the 16th year of his age.

In Lexington, on the 1st inst. *Allen Peel*, in the 20th year of his age.

In Wadesboro', Anson county, on the 16th ult. aged 18 years, Mrs. Eveline Jones, wife of Doct. Walter G. Jones. Amiable in her disposition, and exemplary in all the duties of life, she was justly beloved and esteemed by all who knew her. A communicant of the Episcopal Church in her last illness she manifested the fortitude and resignation of a christian.

RESOLUTION.

[RESOLUTION NO. 1.]

A RESOLUTION authorising the delivery of certain papers in the Department of State to the Commissioners for settling claims under the Treaty with France, of the second of February, one thousand eight hundred and thirty-two.

Resolved &c. That the Secretary of State be, and he is hereby, authorised to deliver to the Commissioners for the Settlement of Claims under the Treaty with France, ratified and confirmed on the second day of February, one thousand eight hundred & thirty-two, the evidences of any claim submitted to, and rejected by the commissioners for the settlement of claims under the treaty with Spain, which was made on the twenty-second day of February, one thousand eight hundred and nineteen, and finally ratified and confirmed on the twenty-second day of February, one thousand eight hundred and twenty-one, which evidences shall be returned to the Department of State when the Commission shall expire.

A. STEVENSON,
Speaker of the House of Rep.
HU. L. WHITE.
President of the Senate pro tem.
Approved, March 2, 1833.
ANDREW JACKSON.

NEW
BOOK STORE,
CHARLOTTE, N. C.

THE Subscriber respectfully informs his friends and the public, that he has opened a

BOOK STORE

In Charlotte. It will be his object to keep constantly on hand, at *low prices*, a valuable assortment of such Books as are in general demand in this part of the country. He will endeavor to procure, at an early day, new and interesting publications. He has, also,

Blank Books, Maps, Paper of various qualities, Quills, Inkstands, Pen-knives, Spectacles, Thermometers, Pencils, Slates, &c. &c.

He hopes to make his establishment worthy of the patronage of an enlightened community.

DANIEL GOULD.

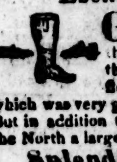
Charlotte, June 3 1833. 6t83

Notice

IS HEREBY given, that the firm of E. Dickson and Chambers is dissolved by mutual consent. All persons against whom they have claims arising before the 1st instant, are cautioned to come forward and settle the same, either by cash or note, before the 1st of August next, or they will find their accounts in the hands of Woodson Monroe for collection.

ENLARGED
SHOE STORE.

Ebenezer Dickson



GIVES notice that he has purchased the entire interest in the above mentioned firm; the stock of

which was very good and extensive. But in addition to that, he is receiving from the North a large and

Splendid Assortment

of articles belonging to his line of business, in all its branches. For

Neatness, Cheapness and DURABILITY,

he is confident that his assortment is excelled by none in the Southern Country. It consists (among other things,) of Gentlemen's

BOOTS, SHOES AND PUMPS,

of the best quality and latest fashions. Also, a general assortment of Ladies' Shoes & Pumps, of all kind, such as

Seal-Skin, Calf-Skin, Morocco and Prunella,

of the neatest style and best workmanship and materials; all of which, he will sell low for cash, or to punctual customers on a short credit; Five per cent will be discounted to purchasers who pay on demand. Mr. Dickson, makes his acknowledgements to the citizens of Salisbury, and the neighboring country, for the liberal share of custom extended to him, and he hopes by a strict attention to business, to merit a continuance of their favors.

He still carries on the business of manufacturing

BOOTS, SHOES, &c.,

which he pledges himself to do in the best style, out of the best materials, on the shortest notice. He has furnished himself with a stock of excellent Northern Sole Leather, and Calf Skins, which he intends to have worked up in his shop. He hopes the Ladies and Gentlemen one and all, will come and examine his assortment, for he can confidently recommend it as the most tasty, select and desirable of any ever brought to the Western part of the State.

P. S. Orders from the country will receive the strictest attention and be filled with as much precision as though the person himself were personally present.

Salisbury, N. C. May, 1833. 76tf

JOB PRINTING
EXECUTED WITH NEATNESS and DISPATCH,
AT THIS OFFICE.

NOTICE.

BY order of the Court of Equity for Rowan County, the Clerk and Master will sell on the 17th day of July next, on the premises several Tracts of Land lying on Buffalo Creek in said County, belonging to the Heirs at Law of Francis Gibson, dec'd. One of 174 acres adjoining the lands of John Baker and others; one Tract of 6 acres, and one of about 25 acres adjoining the land of George Gibson and others. The sale will take place on the largest tract; A credit of 12 months for one half and of 18 months for the other half will be allowed, and the purchasers required to give bonds with good security for the purchase money on the day of sale.

SAML. SILLIMAN, c. m. e.

June 8th, 1833. 5t83

NEW CHEAP
SPRING & SUMMER
GOODS.

THE firm of HACKETT & LEMLY having been dissolved, the business in future will be conducted by

S. LEMLY & SON,

Who are receiving direct from

New-York & Philadelphia,

A COMPLETE ASSORTMENT OF

Spring and Summer
GOODS,

Of the latest Importations, consisting of

Dry-Goods, & Groceries,
Hats, Bonnets & Shoes,
Hard-Ware, Cutlery, and
PLATED WARE,
Saddlery, Crockery, &c. &c.
—ALSO—
A GENERAL ASSORTMENT OF
Carpenter's, Cabinet-Maker's, and
Blacksmith's Tools.
LIKEWISE, A GOOD SUPPLY OF
Greek, Latin and English
SCHOOL BOOKS:

And all other articles usually kept in retail Stores, which they intend selling at small profits for cash, or on a short credit to punctual dealers.

They respectfully invite their friends, and the public generally, to call and examine the assortment for themselves.

Cotton, Corn, Oats, Flaxseed, Beeswax, Tallow, and almost every description of country produce will be taken at fair prices, in exchange for goods.

Salisbury, N. C. 1st May, 1833. 74tf

FOURTH DAY OF JULY, 1833.

ATTENTION!
SALISBURY BLUES.

YOU will parade at the Court House, in Salisbury, on Thursday the 4th day of July next, at nine o'clock, A. M. equipped as the law directs.

Those who do not appear properly armed and accoutred, as required by law will certainly be fined.

A Court Martial will be held immediately after the dismissal of the company for the trial of delinquents.

By Order of the Captain,

GEO. M. MURR, O. S.

May 13, 1833. 4t79

PUBLIC SALE
OF
VALUABLE GOLD MINES.

WILL be positively sold, at public outcry, in the town of Milledgeville, on the 15th day of July next, the following Lots:

Lot No. 1031	12th	district,	1st	section.		
1053	12th	do	1st	do.		
1195	12th	do	1st	do.		
646	12th	do	1st	do.		
861	12th	do	1st	do.		
859	12th	do	1st	do.		
893	12th	do	1st	do.		
820	12th	do	1st	do.		
932	12th	do	1st	do.		
817	12th	do	1st	do.		
999	4th	do	1st	do.		
974	4th	do	1st	do.		
1039	4th	do	1st	do.		
20	13th	do	1st	do	North[illegible]	
80	13th	do	1st	do.	North[illegible]	
398	3d	do	2d	do		
845	21st	do	2d	do.		
944	21st	do	2d	do.		
658	3d	do	3d	do.		

ALSO,

677 4th do 3d do. {being Duncan's Ferry.

In the above list, are comprised the most valuable Mines, both for vein and deposite, in the whole Cherokee country. They are those which have been purchased during the Lottery, and are sold for the purpose of settlement among the companies. Capitalists are assured, that the sale will be positive and without reserve. The terms will be one third, cash down—one third, in two months—and the remaining third, in four months from the date of purchase. Notes, with approved security for the payment of the instalments as they become due, will be required. The titles will be undoubted.

THOMAS J. PARK,
JACOB PAGE,
JASON H. WILSON,
U. J. BULLOCK,
WILLIAM WARD,
E. B. HARGROVE,
SAMUEL TATE,
ROBERT S. PATTON,
THOMAS B. WARD,
WILLIAMS RUTHERFORD,
HENRY M CLAY.

Milledgeville, Ga. May 6, 1833. 9t80

☞ The Telescope, of Columbia, South Carolina, the Courier, of Charleston, South Carolina, the Miner's Journal, of Charlotte, North Carolina, and the Star, of Raleigh, North Carolina, will publish the above till the day of sale; and the National Intelligencer, of Washington City, the Banner, of Nashville, Tennessee, and the Advocate, of Huntsville, Alabama, until the 5th of July next, and forward their accounts to me, in Milledgeville, forthwith for payment.

GEORGE W. MURRAY.

BY AUTHORITY.

LAWS OF THE U. STATES.

Passed at the second Session of the Twenty-Second Congress.

No. 60.

AN ACT to authorise the Governor of the Territory of Arkansas to sell the land granted to said Territory by an act of Congress approved the fifteenth of June, one thousand eight hundred and thirty-two, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Governor of the Territory of Arkansas shall furnish to the Secretary of the Treasury, a sufficient description of the boundaries of the thousand acres of land, granted by an act of Congress of the fifteenth of June, one thousand eight hundred and thirty-two, to the Territory of Arkansas, for the erection of a Court House and Jail in the town of Little Rock, in the Territory aforesaid, it shall be the duty of the Secretary of the Treasury to cause a patent to be issued for said thousand acres of land, to the Governor of Arkansas, and his successors in office, in trust, for the benefit of the Territory of Arkansas, for the purpose of erecting a court-house and jail at Little Rock.

Sec. 2. *And be it further enacted*, That the Governor of the said Territory of Arkansas be, and he is hereby fully empowered and authorized to lay off into town lots, conforming as near as practicable, to the present plan of the town of Little Rock, so much of said grant of a thousand acres of land as he may deem advisable so to be appropriated; and that he be further authorized to sell the same, from time to time, as the public interest may require: and the residue of said grant, which may not be laid off into town lots corresponding with the plan of the said town of Little Rock, he shall be authorized to dispose of, in such lots or parcels as he may deem advisable; but in no case shall he be authorized to sell, unless he shall give public notice of such sale, by an advertisement in one or more newspapers printed in the Territory of Arkansas, and said sale shall be public at the court-house in the town of Little Rock.

Sec. 3. *And be it further enacted*, That in case suitable situations cannot be had, free of cost to the Territory, for the location of the State House, as well as for the Court-house and jail in the town of Little Rock, the Governor aforesaid shall be, and he is hereby fully authorized to select and lay off suitable squares for each of those buildings, within the addition hereunto authorized to be added to the town of Little Rock; and that the squares so selected and laid off, shall be appropriated to the use of the respective buildings for which they may be designated, and for no other purpose whatsoever, forever.

Sec. 4. *And be it further enacted*, That the Governor shall execute deeds for the lots he may sell under the provisions of this act, to purchasers, so soon as the purchasers shall pay off entirely the amount they may have bid for any lot or lots, and all sales shall be for cash.

Sec. 5. *And be it further enacted*, That so soon as the Governor aforesaid shall dispose of lots, he shall apply the proceeds of said sales to the erection of a good and substantial Court-house and jail; and, after these shall have been completed, should there be any funds remaining, it shall be the duty of said Governor, to apply the surplus thus remaining, to the erection of a suitable and permanent house for the residence of the present and future Governors of Arkansas, during their continuance in office.

A. STEVENSON,
Speaker of the House of Representatives.
HU. L. WHITE,
President of the Senate pro tempore.
Approved, March 2, 1833.
ANDREW JACKSON.

[Resolution No. 2.]

RESOLUTION in relation to the execution of the act supplementary to the "Act for the relief of certain surviving officers and soldiers of the revolution."

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the execution of act supplementary to the "Act for the relief of certain surviving officers and soldiers of the revolution," approved June seventh, one thousand eight hundred and thirty-two, wherever it shall be made to appear that any applicant for a pension under said act entered the army of the revolution, in pursuance of a contract with the Government, made previous to the eleventh day of April, one thousand seven hundred and eighty-three, and continued in service until after that period, it shall be the duty of the Secretary of War to commence the period of any such applicant's service, from the time he then entered the army, and until the date of the definitive treaty of peace, and to allow him a pension accordingly.

Approved, March 2, 1833.

[Resolution No 3.]

RESOLUTION for the relief of sundry owners of vessels sunk for the defence of Baltimore.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the memorial of John S. Stiles, and the memorial of the other owners of vessels, taken and sunk for the defence of Baltimore during the late war, with the papers and documents referred to the Committee on Claims of the House of Representatives in the cases aforesaid, be referred to the Third Auditor for his decision, under the act of May twenty-ninth, eighteen hundred and thirty, "for the relief of sundry owners of vessels sunk for the defence of Baltimore;" which decision shall be subject to the supervision of the Secretary of the Navy.

Approved, March 2, 1833.

[Resolution No. 4]

A RESOLUTION authorizing the Secretary of War to correct certain mistakes.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That if it shall be made satisfactorily to appear to the Secretary of War, that in the treaties concluded in one thousand eight hundred and thirty-two, with the Potawatamie Indians, in the State of Indiana, that in the proper schedules accompanying the same, mistakes were made in writing the names of persons to whom payments were to be made, such mistakes may be corrected and the payments made accordingly.

Approved, March 2, 1833

[Resolution No. 5.]

A RESOLUTION providing for the continuation of Gales and Seaton's Compilation of State Papers.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of the second of March, one thousand eight hundred and thirty, authorizing a subscription to a compilation of Congressional Documents, be, and the same are hereby extended to the continuation of said compilation proposed to be executed by Gales and Seaton, and that the copies of the said continuation when completed, shall be distributed to the members of the twenty-second Congress, and in such other manner as Congress shall hereafter direct: *Provided*, That said continuation shall be limited to eight volume.

Approved, March 2, 1833.

[Resolution No. 6.]

A RESOLUTION to place thirty copies of the Diplomatic Correspondence of the American Revolution at the disposition of the Secretary of State.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That thirty copies of Sparks' Diplomatic Correspondence of the Revolution, now in the custody of the Clerk of the House of Representatives, be placed at the disposition of the Secretary of State, for the use of the diplomatic agents of the United States in foreign countries.

Approved, March 2, 1833.

State of North-Carolina,
LINCOLN COUNTY.
COURT OF PLEAS AND QUARTER SESSIONS, *April Term* 1833

BURTON & CLAYTON } *Original attached. Levied on Personal*
vs. } *Property.*
WILLIAM MARTIN:

IT appearing to the satisfaction of the Court that William Martin the defendant is not an inhabitant of this State, it is therefore ordered by the Court that he appear at the next County of Pleas and Quarter Sessions, to be held for the County of Lincoln, at the Court-House in Lincolnton, on the third Monday in July next; Replevy and plead to issue or Judgment by default will be entered up against him. Ordered by the Court that publication hereof be made six weeks successively in the Western Carolinian.

6:82 V. McBEE, c. c. c.

South-River Bridge.

THE books are now open, and will continue open for six weeks, at the store of Thomas L. Cowan in Salisbury; at the store of Messrs Clement & Kelly Mocksville; and at Joseph Hanes, Esq. Fulton, for subscriptions to the South Yadkin Bridge.

THE COMMISSIONERS
May 24th 1833. 9:3